

OPEN MEETING AGENDA ITEM

ORIGINAL
Betty Camargo

W-03512A-07-0362



0000090451

From: Pam Mason [pamldm@hotmail.com]
Sent: Monday, November 17, 2008 9:56 PM
To: Gleason-WebEmail
Subject: Additional Documents W-03512A-07-0362. Ref. your letter of 10/22/08
Attachments: DocForACC1.tif; DocForACC2.tif; DocForACC3.tif; DocForACC4.tif

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2008/11/18 P 2:09

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

11/17/2008

Attention: Arizona Corporation Commission - Chairman Mr. Gleason

Dear Sir,

I did not include the above attachments in my previous submittal for your consideration.

Enclosed is a copy of my email letter to Mrs. Flores Chief Attorney Gila Co. requesting additional documentation. 5/30/2008

Letter from B. Chambers, Gila Co. to PSWID. 3/19/2007

Letter from Insurance Company to B. Chambers, Gila Co. 3/1/2007

PSWID "Mission Statement" and "General Information" from website.

I thank you for your kind attention and apologize for any inconvenience I may have caused by sending a second communication.

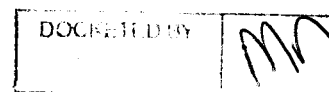
Sincerely,

Pamela Mason
PO Box 717
Pine, AZ. 85544

(928) 476-2227

Arizona Corporation Commission
DOCKETED

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11/18/2008

Excellent	750-849
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the word

FW: Request for an opinion

From: Pam Mason (pamldm@hotmail.com)
Sent: Mon 6/02/08 5:29 PM
To: pamldm@hotmail.com

From: pamldm@hotmail.com
To: water4pine@hotmail.com
Subject: FW: Request for an opinion
Date: Mon, 2 Jun 2008 17:28:49 -0700

From: pamldm@hotmail.com
To: dflores@co.gila.az.us
CC: dmundy@co.gila.az.us; bchamber@co.gila.az.us; sbesich@co.gila.az.us; jsanchez@co.gila.az.us; tmartin@co.gila.az.us; sdawson@co.gila.az.us
Subject: RE: Request for an opinion
Date: Fri, 30 May 2008 12:10:16 -0700

Gila County Attorney's Office.

Dear Mrs. Flores,

I thank you for your reply and indeed I would like a copy of the letter dated March 19, 2007. As it is a public document and mentioned in open meeting it is probable that it will be posted on website www.WaterForPineStrawberry.com, so the public may read it.

I have already made the trip to Globe and read the petition and BOS minutes from 1996 and the statements contained therein. It was because the said documents confirmed PSWID was clearly intended to be a Water Improvement District and not a Domestic, is why I felt the need to write to Gila County. In fact I do recall Gila County Attorney being present and advising at PSWID board meetings, so you can see why some in the community are asking questions.

If the board operates independently from the County Board of Supervisors then I can't help but wonder why the Consultant to Gila County District 1 Supervisor is at every PSWID meeting and has been for years. I note from the BOS minutes dated April 15, 2008 Item 13c that consultant is not taking sides, yet he clearly was active in local politics against the previous PSWID board. Supporting documentation does exist, as does his testimony before the ACC. One can see where the lines are blurred and like you said some may contend PSWID is in fact a water improvement district lacking certain powers and also governed by the County Board of Supervisors.

I am unclear as to what internal documentation I am allowed to see, obviously the BOS minutes are available but what else would or could be made available for me to personally examine concerning this confusing issue.

It is understood that the County Attorney's Office does not have the power or authority to resolve this issue for private citizens of the district or the PSWID board. Unfortunately as private citizens we do not have the money to seek an attorney, but the PSWID board with our taxpayer money does.

I do thank you for your kind attention and for responding to my enquiry so quickly. I look forward to being advised as to what I need to do to obtain a copy of the March 19, 2007 letter and what other files can be made open to me.

Sincerely,

Pamela Mason
PO Box 717
Pine, AZ 85544-0717

pamldm@hotmail.com
928-476-2227

Patti Wortman, Chief Deputy
Bryan B. Chambers, Chief Deputy/Civil Division
Jeff Dalton, Child Support Division



Carolyn Borcharding
Pascal Brown
Michael Dynes
June Ava Florescue
Lacy Hakim
Ramai Jarles
Beverly Rudnick

GILA COUNTY ATTORNEY
Daisy Flores

COPY

March 19, 2007

Hon. Barbara Hall
Chairman, Pine-Strawberry Domestic Water Improvement District
P.O. Box 134
Pine, AZ 85544

Re: Letter from William H. Hardy, Executive Director Arizona
Counties Insurance Pool

Dear Chairperson Hall:

Please find enclosed a letter dated March 1, 2007 from Bill Hardy, Executive Director of the Arizona Counties Insurance Pool (ACIP). ACIP is a county insurance pool that Gila County belongs to in order to insure Gila County against potential losses. This includes insuring Gila County against the risk of malpractice by attorneys in the County Attorney's Office.

Mr. Hardy's letter explains that ACIP will not provide malpractice insurance coverage for attorneys in the County Attorney's office who provide "legal services for special districts that operate independently of the county Board of Supervisors. . . ."

The Pine-Strawberry Domestic Water Improvement District is a special taxing district that operates independently from the county board of Supervisors. We acknowledge that the Gila County Attorney's Office has on occasion provided some legal advice to special taxing districts for many years. However, we have been unable to find any statutory authority allowing county attorney's offices to represent special taxing districts like the Pine-Strawberry Domestic Water Improvement District. Consequently, we will be unable to provide legal advice to your district in the future.

Sincerely,


Bryan B. Chambers
Chief Deputy County Attorney

Globe Main Office:	1400 E. Ash Street, Globe, AZ 85501	Phone: (928) 425-3231 Ext. 8630	Fax: (928) 425-3720
Globe Child Support Office:	157 S. Broad Street, Globe, AZ 85501	Phone: (928) 425-4464	Fax: (928) 425-752
Globe Downtown Office:	149 S. Broad Street, Globe, AZ 85501	Phone: (928) 425-4120	Fax: (928) 425-979
Payson Office:	714 S. Beeline Hwy Ste. 202, Payson, AZ 85541	Phone: (928) 474-4068	Fax: (928) 474-906



Arizona Counties Insurance Pool

1905 W. Washington, Suite 200 • Phoenix, Arizona 85009 • (602) 252-2804 • Fax (602) 252-1035

March 1, 2007

COPY

Bryan B. Chambers
Chief Deputy County Attorney
Gila County Attorney's Office
1400 E. Ash Street
Globe, AZ 85501

Re: Response to your letter dated February 7, 2007

Dear Mr. Chambers:

This letter is in response to your recent inquiry into the status of malpractice coverage provided by ACIP for attorneys in your office who represent special districts. As I am sure you are aware, Article 13 Section 7 of the Arizona Constitution clearly states that special districts are separate and distinct political subdivisions of the state. ACIP provides malpractice coverage for attorneys working within the course and scope of their employment providing legal counsel to our insured, the county. As a result, attorneys providing legal services for special districts that operate independently of the county Board of Supervisors would not be eligible for coverage unless there is specific statutory authority for county attorneys to represent these special districts. Essentially, they are unique political entities in and of themselves and not viewed as subdivisions of the county. Attorneys working with special districts that include the county Board of Supervisors on their governing board, however, would be eligible for malpractice coverage in this instance as they are ultimately acting on the behalf of the insured which is, of course, the county.

I hope this letter was helpful in answering your question. Should you have any questions, please feel free to contact me at your convenience.

Sincerely,



William H. Hardy
Executive Director

WHH/vma

BHH07102

Mission Statement

The PSWID Board's mission is to represent the interests of the communities and to secure long term and reliable sources of water for the communities. To accomplish this we are to: 1) Investigate current and potential sources of water as well as the costs associated with maintaining or expanding present and potential sources. 2) Formulate a plan or plans for improving present water sources of the communities. 3) Formulate a plan or plans for funding such improvements. 4) Implement and formulate plans as necessary to provide long-term available water to communities.

General Information

The Communities of Pine and Strawberry, in Gila County, Arizona, are positioned near the geographical center of the State, and are comprised of two pockets of private land surrounded by U.S. National Forest Service (NFS) lands. The 5000 – 6000 feet elevation provides a four-seasons climate. Year round and part time residents, as well as tourists, enjoy the mountain coolness and forested areas of the Mogollon Rim. As with the other growing areas of rural Arizona, water is caught in the delicate balance between growing demand and limited supply. In common with the rural population centers and the metropolitan areas of the State, the culture of water is ruled by decisions of the historic past and an uncertain future as growth and shifting patterns present new state-wide conditions to confront and surmount.

I. The PSWID is charged with securing long-term and reliable sources of water supply.

The Pine / Strawberry Water Improvement District (PSWID) was formed in 1996. "The purpose of the Board is to represent the interests of the Communities in securing long term and reliable sources of water for the Communities,..." (Reference PSWID Bylaws). The PSWID Board seeks to develop our deep groundwater resources and serve the current water purveyors in the Community with a reliable supply of supplemental water beyond that which their current resources can produce.

PSWID's boundaries encompass the overall extent of the Community's area and surround the service areas of the domestic water improvement districts noted in paragraph II below. The map showing the approved boundaries of the District is shown in Figure 1-1.

II. We can't fill the tanks when we pump water out of the wells faster than it flows in.

The Pine & Strawberry domestic water needs are largely obtained from groundwater and are served by a mix of private wells, regulated water utilities, and domestic water improvement districts. Recent investigations 1 conducted by the PSWID reveal that the historic water supply shortages have been caused by over-pumping the limited storage in fractured rock beyond the fairly constant and dependable recovery rate. Reducing the over-pumping has consistently allowed the wells to recover, regardless of whether there was precipitation or drought. Drought and low precipitation are not the fundamental cause of the shortages. The Arizona Department of Water Resources has deemed this area to have an "inadequate water supply".

III. The deep R-Aquifer meets our needs.

Investigations by the PSWID Board for alternative sources of water supplies have identified the deep aquifer in the Redwall Limestone and associated strata (R-Aquifer) as the most favorable water resource from which to develop additional sustainable water supplies for the area. Other suggested sources are inadequate, unreliable, unaffordable, or all three.

IV. Capital funding may be a problem.

The Pine/Strawberry community is marginally able to fund the drilling and development of deep-well groundwater sources. Contending with environmental challenges and litigation over perceived water rights would require significant outside funding assistance.

V. This solution is localized to Pine and Strawberry.

Current studies (2005) regarding surface water transfers from Blue Ridge Reservoir and distribution to areas of Northern Gila County are competing for funding sources not yet secured. The forming of regional alliances or authorities may not be the most cost-effective and timely approach because